

REMARKS / ARGUMENTS

The present application includes pending claims 1-31, all of which have been rejected. Claims 21 and 26 have been amended for clarification. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1, 11, and 21 are rejected under 35 U.S.C. § 112. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Proehl et al. (US Patent 6,990,676 81), hereinafter Proehl. The Applicant respectfully traverses these rejections at least based on the following remarks.

I. Claim Rejections under 35 U.S.C. § 112

The Examiner states the following in the Final Office Action:

Claims 1, 11, and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In regards to Claims 1, 11, and 21, the limitation: "wherein said announcement is displayed on said television screen without any input from said user;" is not supported by the specification. In Paragraph [34] of the specification operation of system components without user interaction is mentioned: "A media processing system may also have the capability to automatically access and control any media peripheral device without user interaction and/or user intervention." Although, nowhere in the remainder of the paragraph or throughout the specification is there an indication that this automatic access relates to the display and control of announcements to the user.

See the Final Office Action at pages 2-3. The Examiner alleges that the limitation: "wherein said announcement is displayed on said television screen without any input from said user;" is not supported by the specification. The Applicant respectfully disagrees and points out that support for the above limitation may be found in, for example, ¶ [41]. More specifically, ¶ [41] discloses that the notification may be displayed automatically, or it may be displayed based on user interaction. The Applicant submits that the above rejection of claims 1, 11, and 21 under 35 U.S.C. § 112 should now be withdrawn.

The Examiner further states the following in the Final Office Action:

Claims 1, 11, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to Claims 1, 11, and 21 Applicant has stated: "wherein said announcement is displayed on said television screen without any input from said user." This statement renders the claimed invention inoperative because user interaction would be required for at least the following reasons: (1) to turn on the television system or (2) to change the channel to a desired program. In regards to reason (1), if an announcement was sent to the user while the television is off, the user would be required to turn on the television first in order to have the opportunity to be shown an announcement. In regards to reason (2), television broadcast stations typically distribute more than one channel. If an announcement is designed to be displayed when the user tunes to a particular channel, input would be required to change the channel in order to have the announcement displayed to the user. In view of the reasoning above, Applicant's invention is inoperative and therefore lacks utility. Appropriate correction is required.

See the Final Office Action at page 3. The Examiner alleges that the claimed invention is inoperative based on arguments (1) and (2) above. The Applicant respectfully disagrees. With regard to Examiner's argument (1), the Applicant points out that the above stated wherein clause relates to the action of "displaying" of the announcement, after it has been delivered along with the broadcast television program. Obviously, since the broadcast television program and the announcement are delivered "for display on a television screen", such television screen is already operating, i.e., it has already been turned on. Furthermore, it may very well be the case that a television screen is in a "stand-by" mode and still be able to power-on automatically and display the announcement. Lastly, a television screen may also be turned-off, and then may be automatically turned-on by, for example, an attached set-top-box upon occurring of certain event. In this regard, the claimed invention is not made inoperative by not specifically claiming the step of turning on the television system. Nevertheless, the claim does not preclude the step of turning on the television.

With regard to step 2, the Applicant points out that the present application does not state any specific requirement for the television system to be on a specific channel in order for the announcement to be "delivered" and "displayed." In other words, the announcement can be displayed automatically and without user input, regardless of the current channel the television system is tuned on. In this regard, the claimed invention is not made inoperative by not specifically claiming the step of changing or tuning the

television system to a specific channel. Nevertheless, the claim does not preclude the step of changing or tuning the television system to a specific channel.

II. Examiner's "Response to Arguments" Section

The Examiner states the following in the "Response to Arguments" section of the Final Office Action:

The Examiner respectfully disagrees with Applicant's arguments, because a TV receiver is inherently a reception device, and therefore must be receiving an input from an external source (external to the receiver). In addition, it is noted that Proehl's TV receiver is element 14 and that element 12 is integrated DSS/WebTV receiver (Proehl Col. 4 Lines 17-19). The Examiner interprets the TV receiver 14 and the DSS/WEBTV Receiver 12 to be contained at the user's location. Proehl discloses three external (to the user location) sources of information connected to integrated DSSIWebTV Receiver 12: digital satellite system (DSS) antenna 20, Internet service provider 24, and localprogramming station 28 (as shown in Proehl Fig. 1).

Proehl provides the following example in reference to scrolling ticker region 566: "ticker region 566 may display a message that states that an upcoming football game will be shown on channel 4 at 2 pm on Nov. 24, 1999" (Proehl Col. 12 Lines 18-20). The football game would be broadcast by satellite to DSS antenna 20 or by local programming station 26 and the broadcaster (not the user) would have control over when the program is to be displayed. Therefore, **Proehl's ticker message would have to be generated at the program source and not at the user's location because the broadcaster is in control of the content the user receives.** (emphasis added)

See the Final Office Action at pages 8-9. The Applicant respectfully disagrees with the above bolded argument. Initially, the Applicant points out that Proehl's element 14 is a remote control, and element 16 is the TV. The Examiner is referred to FIGS. 7 and 9 of Proehl, which illustrate details of the Home screen 550 of the Graphical User Interface (GUI). **As clearly explained by Proehl, the GUI performs all of the functionalities of the Home screen 550.** More specifically, referring to FIG. 2C of Proehl, the video processors 272, 274, as well as the graphics engine 276, all transmit decimated or unprocessed video signal to the blending function 278 of the processing element 202 within the receiver 12. Furthermore, Proehl discloses that **the blending function 278 is a software program stored in memory and is used to integrate the received signals in a form that can be displayed on the TV 16. The blending function 278 is executed only at the request of a user. In other words, if a user is merely watching a TV show, the blending function 278 and the decimating procedure are not executed. However, if the user requests a GUI (e.g., by pressing the "HOME" key 308 and triggering Home screen 550 functionalities), both the blending function and the decimation process may be executed. See Proehl at FIG. 2C and col. 9, lines 8-28. Therefore, all of the Home screen 550 functionalities, including the ticker 566 and the picture-in-picture 569, are all generated by the blending function 278 within the receiver 12, i.e., at the user's location and at the users request.** The Applicant maintains that Proehl does not

disclose or suggest at least the limitation of “generating, remotely from a user’s home, an announcement,” as recited by the Applicant in independent claim 1.

The Examiner also states the following in the “Response to Arguments” section of the Final Office Action:

The generation of a message in scrolling ticker region 566 is dependent upon the source (satellite, local broadcast, ect.) that transmits the message to the user, not the user input, therefore the broadcast source causes the message to be displayed to the user (not the user's pressing of the "Home" Key 308). In addition, picture-in-picture (PIP) region 569 allows the user to watch a broadcast program while in the GUI Home screen 550, therefore it is possible for a user to watch a program and (without input) have a message displayed in scrolling ticker region 566, which pertains to the program currently being viewed.

See the Final Office Action at page 9. The Applicant respectfully disagrees. As clearly explained above, all of the Home screen 550 functionalities, including the ticker 566 and the picture-in-picture 569, are all generated by the blending function 278 within the receiver 12, i.e., at the user’s location and at the users request. **The Applicant would also like to emphasize the fact that all of the Home screen 550 functionalities, including the ticker 566 and the picture-in-picture 569, are exclusively available and triggered only if the user has pressed the “HOME” key 308 on the remote control 14. Therefore, it is not possible for a user to watch a program and (without input) have a message displayed in scrolling ticker region 566, since the scrolling ticker and the PIP region will not be available if the user has not provided an input by pressing the “HOME” key on the remote control 14.**

The Applicant maintains that Proehl does not disclose or suggest at least the limitation of “wherein said announcement is displayed on said television screen without any input from said user,” as recited by the Applicant in independent claim 1.

The Applicant maintains all arguments stated in the January 3, 2008 response.

REJECTION UNDER 35 U.S.C. § 102

III. Proehl Does Not Anticipate Claims 1-31

The Applicant first turns to the rejection of claims 1-31 under 35 U.S.C. 102(e) as being anticipated by Proehl. With regard to the anticipation rejections under 102(b), MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

A. Rejection of Independent Claims 1, 11, and 21

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Proehl does not disclose or suggest at least the limitation of “generating, remotely from a user’s home, an announcement,” as recited by the Applicant in independent claim 1.

The Final Office Action states the following:

In reference to Claim 1, Proehl teaches a method for providing information related to a broadcast television program, the method comprising: generating an announcement (scrolling ticker region 566 of Figure 9 as described in Col 12 Lines 6-8); delivering said announcement along with the broadcast television program for display on a television screen within a home (picture-in-picture (PIP) region 569 of Figure 9 as described in Col 12 Lines 3-6); and receiving an input from a user that selects a function which corresponds to the delivered announcement (such as "Article Summary" icon 567 as described in Col. 12 Lines 9-29).

See the Final Office Action at page 4. The Examiner relies for support on Figure 9 and col. 12, lines 6-8 of Proehl, which discloses the scrolling ticker region 566. Initially, the Applicant points out that the scrolling ticker region of Proehl is generated at the TV receiver 12 and at the user location. More specifically, the "Home" screen functionalities 550, including the scrolling ticker region, illustrated in Figure 9 of Proehl are displayed only after the "HOME" key 308 has been pressed. Furthermore, Proehl discloses that **the blending function 278 is a software program stored in memory and is used to integrate the received signals in a form that can be displayed on the TV 16. The blending function 278 is executed only at the request of a user. In other words, if a user is merely watching a TV show, the blending function 278 and the decimating procedure are not executed. However, if the user requests a GUI (e.g., by pressing the "HOME" key 308 and triggering Home screen 550 functionalities), both the blending function and the decimation process may be executed.** See Proehl at FIG. 2C and col. 9, lines 8-28. Therefore, all of the Home

screen 550 functionalities, including the ticker 566 and the picture-in-picture 569, are all generated by the blending function 278 within the receiver 12, i.e., at the user's location and at the users request. In this regard, Proehl does not disclose or suggest at least the limitation of “generating, remotely from a user's home, an announcement,” as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Proehl does not disclose or suggest at least the limitation of “wherein said announcement is displayed on said television screen without any input from said user,” as recited by the Applicant in independent claim 1. As explained above, the “Home” screen functionalities 550, including the scrolling ticker region, illustrated in Figure 9 of Proehl are displayed only after the “HOME” key 308 has been pressed. In this regard, the scrolling ticker region is only displayed based on an input from the user. Therefore, the Applicant maintains that Proehl does not disclose or suggest at least the limitation of “wherein said announcement is displayed on said television screen without any input from said user,” as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Proehl and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20, and 22-31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(e) as being anticipated by Proehl has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-10, 12-20, and 22-31 depend from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-31.

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CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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